

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID DYKEHOUSE, et al., *on behalf of
themselves and all others similarly situated,*

Plaintiffs,

Case No. 1:18-cv-1225

v.

HON. JANET T. NEFF

3M COMPANY, et al.,

Defendants.

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ORDER

The Court conducted a Pre-Motion Conference with counsel on May 3, 2019 concerning Defendants' proposed Motions to Dismiss (ECF Nos. 21, 24). Having reviewed Plaintiffs' nine-count Complaint, the relief requested, and the parties' pre-motion filings, the Court determines the proposed motions are premature. Before proceeding with motion briefing, actions are necessary to clarify the causes of action and defenses. Plaintiffs, in particular, shall make a close examination of the claims alleged and shall reconsider the viability of the claims and relief sought based on the case circumstances and Michigan law. The parties shall also confer as appropriate with regard to the issues raised in the pre-motion conference filings and shall maintain a dialogue for ongoing resolution of matters in advance of presentation to the Court.

Therefore:

IT IS HEREBY ORDERED that briefing on the proposed motions to dismiss is DENIED WITHOUT PREJUDICE as premature.

IT IS FURTHER ORDERED that Plaintiffs shall re-examine the complaint allegations, causes of action and relief sought, and shall file an amended complaint not later than **June 5, 2019**, which clearly outlines the causes of action being pursued as to which Defendants.

IT IS FURTHER ORDERED that counsel shall timely apprise the Court of relevant decisions in related or parallel litigation and administrative actions by filing a Notice/Status Report; counsel for Defendants shall not later than **May 14, 2019**, file a Notice appending the scheduling order and the protective order entered in the Kent County Circuit Court cases before Judge George J. Quist.

IT IS FURTHER ORDERED that Defendants shall within 14 days of the filing of Plaintiffs' amended complaint, each file a Notice advising the Court whether (1) Defendant requests to again file a pre-motion conference request, with a brief explanation, or (2) the Court should proceed with a scheduling conference; the time for Defendants to file their answers/responsive pleadings is extended until 14 days after the filing of their respective Notice.

Dated: May 6, 2019

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge